IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 4307 OF 2006

DATE OF DECISION: AUGUST 24, 2006

Parties Name

Fateh Carriers Pvt. Ltd.

..PETITIONER

VERSUS

The State Transport Appellate Tribunal, Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. P.S.Bawa,
Advocate, for the petitioner.

Mr. P.S.Chhina, Addl. A.G., Punjab, for respondents No. 1 to 3.

Mr. Baldev Kapoor, Advocate, for respondent No. 4.

JASBIR SINGH, J. (oral)

JUDGMENT:

This writ petition has been filed against the order dated March 1, 2006, passed by respondent No. 1, vide which order granting stage carriage permit in favour of the petitioner was set aside and the same was granted to respondent No. 4. Perusal of the order indicates that the order was passed against the petitioner, primarily on the ground that its permit had expired on June 8, 2005, and it had not moved any application, within the stipulated period for renewal of the said permit. Before this Court, by referring to document Annexure P-4, counsel for the petitioner states that the finding, referred to above, is palpably wrong as the petitioner had

already moved an application for renewal after depositing the requisite fee.

In reply filed, existence and filing of the application Annexure P-4 have not been controverted by the official respondents. In view of this, it is felt that it is a matter, which is required to be looked into afresh by the Tribunal. Accordingly, this writ petition is allowed and the order under challenge is set aside. Tribunal below is directed to decide the matter afresh. It is further directed to look into a fact as to whether application, filed by the petitioner, for renewal os his permit, was complete in all respects and it had cleared all the dues. If it is found that the petitioner's application was not complete and it was a defaulter, the Tribunal may pass the same order again. However, if it is otherwise, the Tribunal is directed to decide the appeal on merits. It is further ordered that the appellate Tribunal shall decide the matter within three months from the date of receipt of copy of this order. At the time of arguments, it has been brought to the notice of this Court that after passing of the order by the Tribunal, permit was issued in favour of respondent No. 4. Till disposal of the appeal, respondent No. 4 shall continue to ply the bus on the permit, so granted.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

August 24, 2006.
DKC